



*Department of Planning, Building and Code Enforcement*

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE  
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION  
CITY OF SAN JOSÉ, CALIFORNIA**

**PP04-03-061, Environmental Clearance for the Guadalupe Creek Trail Master Plan** for the approximately 3.9 mile long multi-use recreational trail between the Guadalupe River Trail and Almaden Quicksilver County Park, located in the southwestern section of the City of San José, known as the Almaden area of the City, and an adjoining portion of the unincorporated area of Santa Clara County. The proposed trail route traverses a 3.9 mile long pathway along the Guadalupe Creek, primarily within residential and open space areas of the City of San José, between Almaden Lake Park and Almaden Quicksilver County Park. (City of San Jose, Department of Public Works, Park and Recreation Facilities Division, Applicant / Developer). Council District: 10

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **April 5, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on March 5, 2004 and ends on April 5, 2004.

A public hearing on the project described above is tentatively scheduled for April 7, 2004. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Almaden Branch Library, 6455 Camden Avenue, San José, CA 95120 San Jose, and online at <http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2004.htm> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please e-mail **Jodie Clark** at [jodie.clark@sanjoseca.gov](mailto:jodie.clark@sanjoseca.gov) or call at (408) 277-4576.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: March 5, 2004

\_\_\_\_\_  
Deputy

**DRAFT**  
**MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** Guadalupe Creek Trail Master Plan

**PROJECT FILE NUMBER:** PP04-03-061

**PROJECT DESCRIPTION:** The City of San José proposes to adopt and implement a Master Plan for the approximately 3.9 mile long multi-use recreational trail between the Guadalupe River Trail and Almaden Quicksilver County Park. The trail would be constructed in the following 3 phases:

- Phase 1 – Interim trail between west side of Almaden Expressway and Singletree Way (Segments 2–5), and associated improvements;
- Phase 2 – Final trail improvements between east side of Almaden Expressway and the Camden Avenue/Coleman Road intersection (Segments 1–6). This segment includes the bridge over Almaden Expressway and two other bridges over the creek. This phase also includes purchase of land for the construction of two paved parking lots.
- Phase 3 – Trail improvements between the Camden Avenue/Coleman Road intersection and Almaden Quicksilver County Park. (Segments 7–8). The improvements in this phase would not commence until the Guadalupe Rubbish Disposal Company, Inc. landfill is closed which is projected to be after the year 2030. At that time, it will be determine if additional environmental review is needed.

The trail would be located within the city limits of San José. Over 2 miles of the route would be located on land owned by the Santa Clara Valley Water District (SCVWD). Another 1.8 miles of trail would be located on land owned by the Guadalupe Rubbish Disposal Company, Inc. (GRDCI). Obtaining legal right-of-way from the SCVWD and GRDCI for trail construction, maintenance and use is an important part of the project. Plans include the adoption of a joint use agreement between the City and the SCVWD prior to project implementation.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:**

The project site is located in the southwestern section of the City of San José, known as the Almaden area of the City, and an adjoining portion of the unincorporated area of Santa Clara County. The proposed trail route traverses a 3.9 mile long pathway along the Guadalupe Creek, primarily within residential and open space areas of the City of San José, between Almaden Lake Park and Almaden Quicksilver County Park.

The Master Plan improvements would be located on 19 properties with the following parcel numbers:

567-25-002	567-27-028	567-69-001
567-25-006	567-28-019	575-04-006
567-26-013	567-34-003	694-02-026
567-27-002	567-44-003	694-03-001
567-27-007	567-44-005	694-03-021
567-27-008	567-53-009	567-53-012
567-27-009		

## **COUNCIL DISTRICT: 10**

## **PROJECT APPLICANT**

City of San José  
Department of Public Works, Park and Recreation Facilities Division  
170 W. San Carlos Street  
San José, CA 95113  
Contact person: Jan Palajac, Associate Landscape Architect  
(408) 794-1376

## **LEAD AGENCY CONTACT PERSON**

Jodie Clark, Environmental Senior Planner  
City of San José, Department of Planning, Building and Code Enforcement  
801 First Street, Room 400  
San José, CA 95110  
(408) 277-4576  
jodie.clark@sanjoseca.gov

## **FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

## **MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

### **Aesthetics**

Mitigation Measure AES-1: To reduce new lighting impacts to insignificant levels, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall incorporate glare and illumination attenuation features into the design of the lighting for both parking lots, in conformance with the City's Outdoor Lighting Policy. The objective of these features is to prevent significant amounts of illumination and glare projected to nearby residential properties. These features shall include limiting the height of the lighting standards, placement of lights in locations

that minimize illumination beyond the parking lot boundaries, use of fixtures that produce less horizontal “spillage” of illumination and limiting the wattage of the lights. If additional measures are needed to meet the light attenuation objective, shielding shall be placed on each light to direct illumination downward and prevent horizontal “spillage” of illumination.

Mitigation Measure AES-2: To achieve consistency with the SCVWD Aesthetic Guidelines regarding the policy for pause points, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall coordinate with the SCVWD to determine if more specificity should be provided for proposed facilities at the “educational opportunity” sites and if specific locations for benches and other viewing facilities should be incorporated into the Plan. If such features are to be more thoroughly described, the type, design and location of these features shall be approved by SCVWD prior to commencing final design details for the project plans. The approved features shall be incorporated into the final project plans and constructed according to the requirements of the SCVWD.

Mitigation Measure AES-3: To achieve consistency with the SCVWD Aesthetic Guidelines regarding the policy for awareness strips and bridge decking, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall include the following features into the final project plans and construct them according to the requirements of the SCVWD:

- Concrete awareness strips shall be placed into the trail surface at approaches to the three bridges to identify Guadalupe Creek. The strips shall be 6 inches wide constructed of tan colored concrete. They shall have a background wave pattern and lettering as specified in the SCVWD Coyote Watershed Aesthetic Guidelines.
- The concrete bridge decking for the Almaden Expressway overpass bridge and its ramps shall be colorized an earthen-tone that has been approved by the SCVWD.

## **Air Quality**

Mitigation Measure AIR-1: To reduce construction related dust emissions to insignificant levels, the construction contractor shall include the BAAQMD list of feasible construction dust control measures in daily activities at the work site. These measures, listed below, shall be implemented during all phases of construction:

- Use dust-proof chutes for loading construction debris onto trucks;
- Cover all trucks hauling demolition debris from the site;
- Cover all trucks hauling soil, sand, and other loose materials and require all trucks to maintain at least two feet of freeboard;
- Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites;
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets;
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed earthen surfaces, including stockpiles of dirt, sand and similar materials;
- Water down temporary dirt roadways at a sufficient frequency to prevent dust generation from vehicular traffic (i.e. more than twice daily);
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways (and the creek channel); and
- Replant all disturbed areas with new vegetation as quickly as possible.

Mitigation Measure AIR-2: To reduce construction related carbon monoxide, ozone and other vehicle exhaust pollutants to insignificant levels, the construction contractor shall provide appropriate exhaust filtering devices on all motorized machinery and vehicles during all phases of construction.

Mitigation Measure AIR-3: To reduce both construction related dust and exhaust emissions nuisances proximate residents and park users to insignificant levels, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall designate a “construction disturbance coordinator” to resolve any citizen complaints regarding air quality problems generated by construction activities. The phone number of the “disturbance coordinator” shall be posted on a sign that is clearly visible to residents walking or driving near the construction area

during the entire construction phase for each segment. The “disturbance coordinator” shall investigate all complaints on the same day the complaint is received and implement corrective action to solve any situations that are determined to be problems within 24 hours.

## **Biological Resources**

Mitigation Measure BIO-1.a: To compensate for loss of riparian and riverine habitat from construction of the three bridges, and the indirect impacts resulting from the close proximity of one parking lot, the trail and three bridges to Guadalupe Creek and the effects of trail users, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall implement a biotic mitigation program that includes the following features:

- Riparian revegetation to compensate for direct impacts to riparian woodland, totaling 1.8 acres;
- Barrier plantings between the creek/riparian woodland where trail is not located on an existing maintenance road (approximately 1,244 linear feet);
- Barrier plantings between the Camden Avenue parking lot and the riparian woodland (approximately 300 linear feet);
- Installation of 3-foot high fencing (i.e., open, split-rail type, or similar) along bridge approaches to create a physical barrier between the trail and the riparian woodland, riverine wetlands and open water habitats; and
- If so requested by the SCVWD, the City shall install barriers between the trail and SCVWD riparian mitigation plantings to reduce potential disturbances to the SCVWD’s mitigation areas.

The biotic mitigation program shall utilize the biotic mitigation sites shown in Figures 7 and 8 of Attachment B in the Initial Study and revegetate these sites according to a revegetation plan prepared by the City of San José, Department of Public Works Parks and Recreation Facilities Division. The plan and the program shall incorporate the following performance standards:

- Revegetate land to recreate riparian woodland at a 3:1 ratio (for bridge construction) and 1:1 ratio (for removal of shaded riverine aquatic habitat) according to Table 1 of Attachment B;
- Install barrier plantings in the locations shown on Figures 7 and 8 of Attachment B and according to Table 1 of Attachment B;
- Utilize the plant species recommended for the revegetation are listed on Table 3 of Attachment B;
- Specify a 5-year maintenance and monitoring program;
- Monitor the revegetation areas a minimum of once a year by qualified personnel responsible to the City. During each year of the 5-year monitoring period, plantings shall achieve a minimum 80% survival rate for the revegetation to be deemed successful.

The City of San José, Department of Public Works Parks and Recreation Facilities Division shall prepare yearly monitoring reports and submit these reports to the City of San José Planning Department at the end of each monitoring year. The reports shall identify the plant survival rate, maintenance actions at the site and include photographs documenting the status of the revegetation. The Parks and Recreation Facilities Division shall implement remedial measures should the success criteria not be achieved in any of the five monitoring years. Remedial measures may include replacement plantings, an increase in maintenance or changes to the irrigation regime.

Mitigation Measure BIO-1.b: To avoid indirect impacts to riparian, wetland and open water habitat that occur in and along the banks of Guadalupe Creek, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall incorporate construction Best Management Practices (BMPs) to preclude erosion or sediments from entering the creek during and after construction of the trails, parking areas and the three bridges. The following BMPs shall be implemented during all phases of construction on the project site:

- Conduct construction activities during the dry season;
- Divert concentrated runoff away from channel banks;
- Minimize vegetation removal;
- Identify with temporary construction fencing, all areas that require clearing, grading, revegetation or will be otherwise disturbed;
- Stabilize disturbed soils to minimize erosion and sediment input to the creek;

- Implement erosion control measures to prevent sediment from entering the creek channel, including the use of silt fencing or fiber rolls to trap sediments;
- Conduct erosion control seeding of all disturbed areas as soon as practicable after disturbance following construction;
- Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures (e.g., reseeding, repair of silt fencing) if sedimentation or erosion is noted.

Mitigation Measure BIO-1.c: To reduce the impacts from night lighting at the two parking lots and the trail undercrossing at Meridian Avenue to insignificant levels, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall implement the lighting attenuation standards specified in Mitigation Measure AES-1 as well these additional measures to protect wildlife:

- All lighting shall use low glare, full cutoff lighting that is directed downward;
- Parking lot light sources shall not be visible from riparian areas across the creek;
- All lights shall have full cut-off luminaries;
- Lighting at the Meridian Avenue undercrossing shall only be operated during winter evenings from sunset to 11:00 P.M.

Mitigation Measure BIO-2: To reduce the potential for endangering steelhead to insignificant levels, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall implement mitigation measures BIO-1.a and BIO-1.b above.

Mitigation Measure BIO-3: To reduce the potential for endangering California red-legged frog to insignificant levels, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall, implement mitigation measures BIO-1.a and BIO-1.b above, as well as, have a qualified biologist conduct preconstruction surveys for California red-legged frogs in any riparian habitat that will be disturbed no more than 48-hours prior to onset of disturbance. If any California red-legged frogs are observed, the City shall consult with the U. S. Fish and Wildlife Service (USFWS) prior to initiating construction. The City shall follow all measures recommended by the USFWS to avoid harm to frogs.

Mitigation Measure BIO-4: To reduce the potential for endangering Southwestern pond turtles to insignificant levels, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall, implement mitigation measures BIO-1.a and BIO-1.b above as well as place exclusionary fencing between the riparian habitat and the portions of the trail in Almaden Quicksilver County Park in the spring (not later than May 1) prior to construction to prevent turtles from entering the area to nest. The fence should be buried 6-12 inches below ground, and extend 1-2 feet above ground, and should be held securely in place. A biologist should inspect the exclusionary fence to insure that it is installed as intended. The fence should be removed when construction is complete. Fencing is prescribed rather than pre-construction surveys because turtle nests are impossible to detect visually.

Mitigation Measure BIO-5: To prevent the abandonment of tri-colored blackbird nests, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall schedule construction to occur outside the nesting season for tri-colored blackbirds; nesting spans April through July. If this is not feasible, have a qualified biologist conduct preconstruction surveys for nesting tri-colored blackbirds at the percolation ponds no more than 14 days prior to onset of construction activities within this span of the trail. If tri-colored blackbirds are found to be nesting, postpone construction until all young are fledged, as determined by monitoring by a qualified biologist.

Mitigation Measure BIO-6: To prevent nest abandonment or other disrupting of nesting by raptors and passerine species within the riparian corridor, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall implement mitigation measures BIO-1.a and BIO-1.b above as well as schedule construction to occur outside the nesting season for sensitive riparian bird species; nesting season spans February through July. If this is not feasible, have a qualified biologist conduct preconstruction surveys for nesting birds along the trail corridor no more than 30 days prior to onset of construction. If nesting sensitive bird species are observed, the qualified biologist shall determine an appropriate buffer zone around the nest, and construction within the buffer zone shall be postponed until all young have fledged, as determined by monitoring by a qualified biologist.

Mitigation Measure BIO-7: To prevent the restriction of wildlife movement to and from the SCVWD percolation ponds, the lower 12 inches of the mesh fencing along the percolation ponds should be left open to allow passage of small wildlife.

## **Cultural Resources**

Mitigation ARCH-1: To prevent the potential loss or damage to archaeological resources in the location where surface indications of resources occur, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall have a qualified archaeologist conduct a subsurface archaeological testing program consisting of hand excavated units and backhoe trenching to determine the significance and extent of the cultural deposit. This testing shall be completed prior to preparation of construction documents for any trail facilities in the vicinity. If this testing determines significant cultural resources occur at this location, the City shall follow the recommendations of the archaeologist to conserve the resource. This may include temporarily fencing the area of significance during construction, modifying the alignment of the trail or preparation of a mitigation plan to catalogue and preserve resources as specified by the project archaeologist.

Mitigation ARCH-2: To conserve cultural resources in the unlikely event that they are accidentally discovered during construction, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall comply with the following City's policies:

- In the event prehistoric, historic, and/or archaeological resources are found during construction, excavation or other work shall be temporarily halted or relocated while the find can be examined by a qualified archeologist. If appropriate, the archaeological consultant, in consultation with City would formulate an appropriate testing/evaluation plan for the resource/s. Based on the results of that process, an appropriate mitigation program would then be implemented. If no resources are discovered, the archaeologist should submit a report to the Director of Planning verifying that the required monitoring occurred and that no further mitigation is necessary.
- In the event a human burial or skeletal element is identified during monitoring, work in that location would stop and relocated until the find can be properly treated. At this time, a certified archaeological consultant would inform the Santa Clara County Coroner's office and the project sponsor of the find. If deemed prehistoric, the Coroner's office would notify the Native American Heritage Commission who would identify a "Most Likely Descendant" (MLD). The Archaeological consultant and MLD in conjunction with the project sponsor would formulate an appropriate treatment plan for the find, which might include, but not be limited to, respectful scientific recording and removal, being left in place, removal and reburial on site, or elsewhere. Associated grave goods are to be treated in the same manner.
- All prehistoric and historic archaeological resources deemed significant under CEQA would be cleaned, identified, cataloged and interpreted by the archaeologist at the cost of the project sponsor. Additional archival research to assist in the identification of past residents may be required as part of the interpretive process. Results of these analyses and a discussion of the monitoring, evaluation, and data recovery program would be presented in a professional report of findings to be submitted to Director of Planning.
- All significant artifacts and other samples (non-burial related) would be curated in an appropriate curation facility.
- Throughout any period of subsurface construction, the archaeologists shall have authorization to require a security system such as a nighttime/weekend guard, fence, or both should any archaeological resources be threatened by unauthorized looting by unauthorized persons. Under no circumstances should construction workers or others be authorized to loot or collect artifacts from the property.

## **Geology and Soils**

Mitigation Measure GEO-1: To prevent structural instability of three bridges and their associated approach ramps, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall have a formal geotechnical investigation conducted at the three bridge sites prior to completion of the final construction plans for the project. The investigation shall include the following:

- Conventional borings to determine the surface soil characteristic at the site;
- Laboratory testing of procured subsurface soil samples;

- Liquefaction analysis;
  - Incorporation of recommendations of a civil engineer to resist scouring impacts;
  - Parameters for foundation design (bearing capacity, depth of footing, etc.); and
  - A determination if a cost-versus-risk analysis is recommended before proceeding with the project.
- The results of this investigation shall be incorporated in the design of the project.

Mitigation Measure GEO-2: To prevent the trail from being damaged by stream bank erosion in the upper creek corridor, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall design the trail in Segment 8 so it is setback from the edge of the stream bank a minimum distance that is equal to the height of the stream bank.

Mitigation Measure GEO-3: To prevent the trail from becoming buried or otherwise damaged by landsliding at two locations in Segment 8, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall realign the trail route to avoid these two landslides and areas downslope of the landslides. If this is not possible to achieve the objectives of providing a continuous trail that connects to Almaden Quicksilver County Park, then the City should assume an acceptable risk for this impact and repair landslide damage to the trail whenever it occurs.

Mitigation Measure GEO-4: To reduce soil erosion to insignificant levels during and after grading and construction activities for the trail facilities, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall implement the following BMP's during all phases of construction on the project site:

- Conduct all construction activities within 20 feet of riparian habitat during the dry season (April 15 – October 15);
- Divert concentrated runoff away from channel banks;
- Minimize vegetation removal;
- Identify with construction fencing all areas that require clearing, grading revegetation or otherwise disturbed and place protective around the areas not to be disturbed throughout the entire construction period;
- Stabilize all disturbed soils upon completion of construction and prior to October 15<sup>th</sup> to minimize erosion and sediment input to the creek;
- Implement erosion control measures to prevent sediment from entering the creek channel, including the use of silt fencing or fiber rolls to trap sediments;
- Conduct erosion control seeding of all disturbed areas as soon as practicable after disturbance following construction;
- Monitor the effectiveness of the erosion control measures during the first year's rainy season and implement remedial measures (e.g., reseeding, repair of silt fencing) if sedimentation or erosion is noted.; and
- Any accidentally damaged riparian vegetation shall be replaced with native vegetation suitable for the habitat as part of implementing final (permanent) erosion and sediment control measures.

These measures shall be coordinated with the SWPPP measures in Mitigation Measure HYDRO-5.

## **Hazards and Hazardous Materials**

Mitigation Measure HAZ-1: To ensure that health risks will not occur from encounters with mercury-laden or PCB contaminated sediments and soils during grading and similar activities during project construction, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall prepare and implement a soil management plan according to the following performance standards:

- All soils scraped, grubbed or excavated from the 100 year floodplain shall be sampled at a frequency of every 2,500 cubic yards of excavations and analyzed for mercury and methyl mercury. Soils containing concentrations of 0.01 parts/million (ppm) would be prohibited from reuse in the floodplain and disposed at an appropriate landfill facility. Soils containing concentrations above 20 ppm shall be handled and disposed as hazardous waste.
- The testing of floodplain soils shall also include testing for organochloride pesticides and pesticide related metals (e.g. lead and arsenic).
- All soils scraped, grubbed or excavated on the PG&E parcels on Singletree Way shall be sampled for PCBs. Soils containing any concentrations of PCBs shall be handled and disposed as hazardous waste.

## Hydrology and Water Quality

Mitigation Measure HYDRO-1: To reduce water ponding on and flooding of trail sections that extend into the 10 year floodplain, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall design these portions of the trail as elevated on fill above the natural grade as much as is practical.

Mitigation Measure HYDRO-2: To prevent exacerbation of the existing drainage problem on the residential lots near Meridian Avenue, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall have a civil engineer design a drainage plan for Segment 6 of the trail that prevents storm runoff from the trail being discharged into adjoining residential lots. Drainage flows shall be directed towards the creek channel.

Mitigation Measure HYDRO-3: To reduce scouring of the abutments at bridge 1 to insignificant levels, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall have the bridge and its approaches redesigned by a civil engineer to include the following design standards:

- Preparation of a more detailed hydraulic analysis that supplements the preliminary hydraulic report prepared for the two bridges by Northwest Hydraulic Consultants, dated August 21, 2003;
- Analyze an alignment alternative that realigns the bridge so its orientation is more perpendicular to flows across the floodplain and well as the flows within the channel; and
- Provide scour protection (e.g. rip rap) on the face of all bridge abutments with protection at the right bank abutment to include its sides and along the first 50 feet of the ramp embankment.

Mitigation Measure HYDRO-4: To prevent scouring of the abutments at bridge 2 the City of San José, Department of Public Works Parks and Recreation Facilities Division shall have the bridge abutments designed by a civil engineer that include the following design standards:

- Preparation of a more detailed hydraulic analysis that supplements the preliminary hydraulic report prepared for the two bridges by Northwest Hydraulic Consultants, dated August 21, 2003; and
- Provision for scour protection (e.g. rip rap) at the face and creek side of the embankment and 50 feet upstream of the abutment.

Mitigation Measure HYDRO-5: To prevent degradation of the water quality of the creek from erosion and sedimentation, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall implement an erosion control/storm water pollution prevention plan (SWPPP) that is approved by the RWQCB during and after all construction. In addition to the performance standards listed in Mitigation Measure GEO-4, the SWPPP shall contain the following performance standards:

- “Best management practices” (BMPs) to minimize and control construction and post-construction runoff and reduce contamination of storm water runoff. These measures could include, for example, regular sweeping of the adjacent streets, stenciling on-site catch basins to discourage illegal dumping, and use of appropriate temporary measures to preclude migration of sediments into catch basins during grading.
- Preclude non-storm water discharges to the storm water system and the creek channel; and
- Perform monitoring of discharges to the storm water system and the creek channel.

## Noise

Mitigation Measure NOISE-1a: To minimize the levels of construction generated noise to surrounding residential properties, all internal combustion engines used in project construction shall be properly muffled and maintained. All stationary noise-generating construction equipment, such as air compressors, shall be stationed as far as practical from dwellings. A plywood screen or similar noise barrier shall be erected around stationary noise-generating equipment if there are complaints from nearby residents.

Mitigation Measure NOISE-1b: To reduce construction noise impacts to times of the day that are least problematic for most people in residential areas, all construction machinery shall be limited to operating during the hours of 7:00 a.m. and 7:00 p.m. weekdays, unless an emergency occurs. Any emergency use of machinery beyond normal working hours shall be first approved by the City of San José Planning Department in response to a request from the Department of Public Works Parks and Recreation Facilities Division.

Mitigation Measure NOISE-1c: To reduce construction noise nuisances proximate to dwellings and other sensitive noise receptors to insignificant levels, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall designate a “construction disturbance coordinator” to resolve any citizen complaints regarding noise problems generated by construction activities. The phone number of the “disturbance coordinator” shall be posted on a sign that is clearly visible to residents walking or driving near the construction area during the entire construction phase for each segment. The “disturbance coordinator” shall investigate all complaints on the same day the complaint is received and implement corrective action to solve any situations that are determined to be problems within 24 hours. (Refer to Mitigation Measure AIR-3 for the companion mitigation measure).

## **Traffic and Transportation**

Mitigation Measure TRANS-1: To minimize traffic problems at the Almaden/Coleman intersection during the construction of Segment 1 facilities of the Master Plan, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall, prior to the completion of final project plans, incorporate the following measures into project plans and implement their activities during the entire construction period for Segment 1:

- Limit the delivery of fill material to the hours of 9:30 A.M. to 3:00 P.M. weekdays so trucks will not be entering or leaving the site during peak traffic hours;
- Station a flag-person at street ingress/egress areas for the Segment 2 work site to stop and direct traffic when large vehicles are entering area roadways or crossing vehicle lanes to enter a work site;
- Post a temporary sign at all approaches to the Almaden/Coleman intersection cautioning motorists to expect temporary delays from construction related traffic; and
- Provide a construction schedule to the City of San José Department of Transportation and include any additional measures required by that agency to minimize area traffic problems.

Mitigation Measure TRANS-2: To prevent operation conflicts at the three intersections where trail crossings occur, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall coordinate with the City of San José Department of Transportation to modify the design of the three intersections as specified below:

- Modify the surfacing of all curb ramps so they are ADA compliant;
- Expand the refuge areas inside intersection triangular islands to accommodate groups of pedestrians or bicyclists; or, alternatively eliminate the triangular islands and construct “bulb-out” curb extensions in their place; and
- Extend the curb in the northwest corner of the Coleman Road/Meridian Avenue intersection eastward to provide a shorter pedestrian crossing and increased sight distance.

Mitigation Measure TRANS-3: To prevent operational conflicts and sight distance problems from occurring during use of the Camden Avenue parking lot, the City of San José, Department of Public Works Parks and Recreation Facilities Division shall redesign this parking lot so the two entry/exits are aligned with Clematis Drive and Canna Lane and require parking lot circulation to be one-way; with a one-way entrance closest to the curve in Coleman Avenue and a one-way exit at the more distant driveway.

## **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **April 5, 2004**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: March 5, 2004

\_\_\_\_\_  
Deputy

Adopted on: \_\_\_\_\_

\_\_\_\_\_  
Deputy

# Mitigated Negative Declaration Distribution Checklist

## STATE SENT

- ☒ STATE CLEARINGHOUSE (15 COPIES)  
☒ CONSULTANT WILL SEND ..... ☐

**IMPORTANT NOTE:** If a State Department will need to issue a discretionary permit for this project, your ND will need to be sent to the Clearinghouse. Other NDs may also need to be sent to the Clearinghouse, please check with the Environmental Team.

## PLANNING DEPARTMENT

- |                                     |                                       |                          |
|-------------------------------------|---------------------------------------|--------------------------|
| <input type="checkbox"/>            | PLANNING DIRECTOR.....                | <input type="checkbox"/> |
| <input type="checkbox"/>            | DEPUTY DIRECTOR Joe.....              | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | ENVIRONMENTAL PRINCIPAL PLANNER.....  | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | ENVIRONMENTAL SENIOR PLANNER.....     | <input type="checkbox"/> |
| <input type="checkbox"/>            | ENVIRONMENTAL COORDINATOR _____ ..... | <input type="checkbox"/> |
| <input type="checkbox"/>            | PROJECT MANAGER _____ .....           | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | ENVIRONMENTAL LIBRARY .....           | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | PUBLIC INFORMATION COUNTER.....       | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | PUBLIC DISTRIBUTION (5± COPIES) ..... | <input type="checkbox"/> |

**IMPORTANT NOTE:** If the Environmental Coordinator and the Project Manager are the same, please unmark one of the boxes.

## CITY OF SAN JOSÉ

- |                          |                                      |                          |
|--------------------------|--------------------------------------|--------------------------|
| <input type="checkbox"/> | MAYOR .....                          | <input type="checkbox"/> |
| <input type="checkbox"/> | CITY COUNCIL (10 COPIES) .....       | <input type="checkbox"/> |
| <input type="checkbox"/> | PLANNING COMMISSION (7 COPIES) ..... | <input type="checkbox"/> |
| <input type="checkbox"/> | CITY ATTORNEY.....                   | <input type="checkbox"/> |

## LIBRARY

- |                                     |                                 |                          |
|-------------------------------------|---------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | SAN JOSÉ MAIN LIBRARY.....      | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | BRANCH/ES: ALMADEN LIBRARY..... | <input type="checkbox"/> |

## APPLICANT / OWNER / DEVELOPER

- |                                     |                                          |                          |
|-------------------------------------|------------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | APPLICANT – JAN PALAJAC, PRF .....       | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | OWNER – YVES ZSUTTY .....                | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | CONSULTANT – CALLANDER ASSO, MARIE ..... | <input type="checkbox"/> |
| <input type="checkbox"/>            | _____ .....                              | <input type="checkbox"/> |

**IMPORTANT NOTE:** The Applicant, Owner and Developer's addresses must be in AMANDA in order for the Envir team to send them an ND.

## OTHER

- |                                     |                                         |                          |
|-------------------------------------|-----------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | ELECTRONIC COPY POSTED ON WEB SITE..... | <input type="checkbox"/> |
| <input type="checkbox"/>            | ADAMS, BROADWELL, JOSEPH & CARDOZO..... | <input type="checkbox"/> |
| <input type="checkbox"/>            | _____ .....                             | <input type="checkbox"/> |
| <input type="checkbox"/>            | _____ .....                             | <input type="checkbox"/> |

Project Name: Guadalupe Creek Trail Master Plan

APN No.: various

Radius for Mailing: 500 ft

File No.: PP04-03-061

SCH No. \_\_\_\_\_

Distribution Date: 3/5/04

Mailed By: SA Date Mailed: 3/5/04

Environmental Coordinator: Jodie Clark

Total Number of Copies: \_\_\_\_\_

**# COPIES TO SEND** **SENT**

**AIR QUALITY**

- ☐ BAY AREA AIR QUALITY MGMT DIST.....☐  
☐ CALIF AIR RESOURCES BOARD.....☐

**BIOLOGICAL RESOURCES**

- ☐ CALIF DEPT. OF FISH AND GAME.....☐  
☐ CALIF DEPT. OF CONSERVATION.....☐  
☐ US FISH AND WILDLIFE SERVICE.....☐  
☒ SIERRA CLUB.....☐  
☒ AUDUBON SOCIETY.....☐  
☒ NATIVE PLANT SOCIETY.....☐  
☒ GREENBELT ALLIANCE.....☐  
☒ GUADALUPE-COYOTE RES CONSV DIST.....☐  
☒ OPEN SPACE AUTHORITY.....☐

**TREES**

- ☐ CITY ARBORIST (DOT).....☐

**GEOLOGIC HAZARDS**

- ☐ CITY GEOLOGIST (PUBLIC WORKS).....☐

**WATER RESOURCES**

- ☐ WATERSHED PROTECTION (ESD).....☐  
☒ SANTA CLARA VALLEY WATER DIST.....☐  
☐ S.F. BAY CONSERV & DEV COMM (FOR ALVISO).....☐  
☐ CALIF DEPT. OF WATER RESOURCES.....☐  
☒ REGIONAL WATER QUALITY CTRL BD, #2.....☐  
☐ US ARMY CORPS OF ENGINEERS.....☐

**HAZARDOUS MATERIALS AND WASTE PROCESSING**

- ☐ ENVIRONMENTAL SERVICES DEPT.....☐  
☐ ENVIRONMENTAL ENFORCEMENT (CODE ENF. - LEA).....☐  
☐ HAZARDOUS MATERIALS (FIRE DEPT).....☐  
☐ CALIF TOXIC SUBSTANCES CONTROL.....☐  
☐ CALIF DEPT OF HEALTH SERVICES.....☐  
☐ CALIF INTEGRATED WASTE MGMT BOARD.....☐

**CULTURAL AND HISTORIC RESOURCES**

- ☐ HISTORIC PRESERVATION OFFICER (PLANNING).....☐  
☐ HISTORIC LANDMARKS COMMISSION.....☐  
☐ COUNTY HISTORICAL HERITAGE COMMISSION.....☐  
☐ PRESERVATION ACTION COUNCIL OF SAN JOSE.....☐  
☐ CALIF OFFICE OF HISTORIC PRESERVATION.....☐  
☐ NORTHWEST INFO CTR, SONOMA ST UNIV.....☐  
☐ NATIVE AMERICAN HERITAGE COMM (STATE).....☐

**TRANSPORTATION**

- ☒ PROJECT ENG. (PW - DEV SVCS) HARRY FRIETAS.....☐  
☒ TRANSPORTATION PLANNING (DOT).....☐  
☐ SC VALLEY TRANSPORTATION AUTHORITY.....☐  
☐ COUNTY ROADS AND AIRPORTS.....☐  
☐ CALTRANS, PLANNING (HEADQUARTERS).....☐  
☐ CALTRANS, DISTRICT 4.....☐  
☐ METROPOLITAN TRANS COMM (STATE).....☐  
☐ FEDERAL HIGHWAY ADMINISTRATION.....☐

**AIRPORT SAFETY**

- ☐ AIRPORT PLANNING & DEV.....☐  
☐ AIRPORT LAND USE COMM (COUNTY PLANNING).....☐  
☐ CALTRANS, DIVISION OF AERONAUTICS.....☐  
☐ FEDERAL AVIATION ADMINISTRATION.....☐  
☐ COALITN RESP. AIRPORT MGMT & POLICY.....☐  
☐ CALIFORNIA PILOTS ASSOCIATION.....☐

**# COPIES TO SEND** **SENT**

**URBAN SERVICES AND PUBLIC UTILITIES**

- ☐ PROJECT ENGINEER (PW - DEV SVCS).....☐  
☐ FIRE SERVICES.....☐  
☐ POLICE DEPARTMENT R&D.....☐  
☐ WATER POLLUTION CONTROL (ESD).....☐  
☐ CALIF PUBLIC UTILITIES COMMISSION.....☐  
☐ CALIF ENERGY COMMISSION.....☐  
☐ SANITARY DISTRICT NO. ....☐  
☒ PACIFIC GAS AND ELECTRIC.....☐  
☐ S J MUNICIPAL WATER SYSTEM (ESD).....☐  
☐ SAN JOSÉ WATER COMPANY.....☐  
☐ GREAT OAKS WATER COMPANY.....☐  
☐ PACIFIC BELL.....☐  
☐ UNION PACIFIC RAILROAD.....☐

**REDEVELOPMENT AREA**

- ☐ RDA STAFF.....☐

**SJ ARENA**

- ☐ ARENA AUTHORITY.....☐

**PARKS AND RECREATION**

- ☐ PARKS, REC, NEIGH SVCS.....☐  
☒ COUNTY PARKS AND RECREATION.....☐

**AFFORDABLE HOUSING, LOW INCOME**

- ☐ HOUSING DEPARTMENT.....☐  
☐ HUD, FHA-SAN FRANCISCO OFFICE.....☐

**AREAWIDE AND REGIONAL IMPACTS**

- ☐ SC COUNTY PLANNING DEPARTMENT.....☐  
☐ ASSOC OF BAY AREA GOVERNMENTS.....☐  
☐ LAFCO (10 COPIES).....☐  
☐ ENVIRO PROTECTION AGENCY, REG. 9.....☐

**SANTA CLARA Co. CITIES**

- |                                                                  |                                                                    |
|------------------------------------------------------------------|--------------------------------------------------------------------|
| <input type="checkbox"/> CAMPBELL..... <input type="checkbox"/>  | <input type="checkbox"/> MILPITAS..... <input type="checkbox"/>    |
| <input type="checkbox"/> CUPERTINO..... <input type="checkbox"/> | <input type="checkbox"/> MORGAN HILL..... <input type="checkbox"/> |
| <input type="checkbox"/> FREMONT..... <input type="checkbox"/>   | <input type="checkbox"/> SANTA CLARA..... <input type="checkbox"/> |
| <input type="checkbox"/> GILROY..... <input type="checkbox"/>    | <input type="checkbox"/> SARATOGA..... <input type="checkbox"/>    |
| <input type="checkbox"/> LOS GATOS..... <input type="checkbox"/> | <input type="checkbox"/> SUNNYVALE..... <input type="checkbox"/>   |

**SCHOOL DISTRICTS**

- ☐ SAN JOSÉ UNIFIED.....☐  
☐ EAST SIDE UNION HIGH.....☐  
☐ ALUM ROCK UNION.....☐ ☐ MT. PLEASANT.....☐  
☐ BERRYESSA UNION.....☐ ☐ ORCHARD.....☐  
☐ EVERGREEN.....☐ ☐ OAK GROVE.....☐  
☐ FRANKLIN-MCKINLEY.....☐  
☐ CAMPBELL UNION HIGH.....☐  
☐ CAMBRIAN.....☐ ☐ UNION.....☐  
☐ MORELAND.....☐  
☐ CUPERTINO UNION ELEMENTARY.....☐  
☐ LOS GATOS JOINT UNION HIGH.....☐  
☐ LOS GATOS UNION ELEMENTARY.....☐  
☐ SANTA CLARA UNIFIED.....☐  
☐ MORGAN HILL UNIFIED.....☐

**COLLEGES**

- ☐ FOOTHILL COMMUNITY COLLEGE.....☐  
☐ SAN JOSÉ CITY COLLEGE.....☐  
☐ WEST VALLEY COMMUNITY COLLEGE.....☐

**\*\*ITALICIZED CONTACTS REPRESENT CITY DEPARTMENTS\*\***